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COMMISSION ON HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 27 March 1998, at 5.55 p.m.

Chairman:	Mr. SELEBI	(South Africa)
later:	Mr. GALLEGOS CHIRIBOGA (Vice-Chairman)	(Ecuador)
later:	Mr. SELEBI (Chairman)	(South Africa)

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GE.98-13183 (E)

The meeting was called to order at 5.55 p.m.

INDIGENOUS ISSUES (agenda item 23) (continued) (E/CN.4/1998/11 and Add.1, 106 and Corr.1 and 107; E/CN.4/Sub.2/1997/14, 15 and 17 and Corr.1; A/52/509)

MEASURES TO IMPROVE THE SITUATION AND ENSURE THE HUMAN RIGHTS AND DIGNITY OF ALL MIGRANT WORKERS (agenda item 11) (continued) (E/CN.4/1998/74 and Add.1, 75 and 76)

RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES (agenda item 16) (continued) (E/CN.4/1998/90 and 91; E/CN.4/1998/NGO/14 and 36; E/CN.4/Sub.2/1997/18; A/52/498)

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 18) (continued) (E/CN.4/1998/6 and Add.1-2 and Corr.1, 115 and 121)

1. Mr. DIENG (International Commission of Jurists) said that the draft declaration on the rights of indigenous peoples contained the necessary principles for the protection of their human rights and their survival as distinct peoples. While in favour of a speedy adoption of the draft declaration, he recognized the need for dialogue between Governments and indigenous peoples to ensure that the relevance and appropriateness of the declaration were fully recognized. He understood the pressures generated by the clash of cultures and the difficulties of accommodating both indigenous and non-indigenous interests and perspectives within one legal and political system.

2. An effective declaration, when eventually adopted, would provide useful guidance to Governments and others in the application of the rule of law. Australia was an example of a country grappling with the political and social consequences of over 200 years' dominance of a legal system that sanctioned the dispossession and destruction of indigenous societies. It was to Australia's great credit that it had begun to accept its past errors and initiate legal reform programmes and a reconciliation process. The recent recognition by the Australian High Court of pre-existing indigenous rights to land was, however, threatened by a political backlash and proposed legislative action which would breach the country's obligations under the Convention on the Elimination of All Forms of Racial Discrimination.

3. While welcoming the progress made by the working group on the draft declaration, particularly the agreement by consensus on two articles, and the emerging consensus on the underlying principles of a number of others, he shared the concern of many indigenous peoples that the annexing of government proposals that had not been subjected to formal discussion constituted a departure from the agreed negotiation procedures.

4. The right to self-determination was a fundamental one, and any limitation on indigenous peoples' right in that regard would be discriminatory. His organization considered that a permanent forum for indigenous peoples at a high level within the United Nations should be established as soon as possible and should have the broad scope outlined in the note verbale submitted by the Danish Government (E/CN.4/1995/141).

5. Mr. MIOT (International Federation of Rural Adult Catholic Movements) said that the identity of indigenous peoples, based on a balanced relationship to all aspects of creation and, in particular, to the land, was currently threatened in many places by assaults of many kinds.

6. Within the framework of the International Decade they had strongly affirmed their rights: the indigenous women of the Americas had met at Mexico in December 1997 to share experience and make proposals for joint action; the peasant movement in the Philippines had held seminars on the use of traditional varieties of rice, and organized petitions for the recovery of their ancestral lands; meeting in Korea, on the initiative of his own organization, representatives of peasant movements from eight Asian countries had adopted a resolution in September 1997 expressing alarm at the threat to their lands and natural resources, and their conviction that the move from community-based traditional agriculture to agro-industrial agriculture had had disastrous consequences; in Ecuador, indigenous groups had established a platform to guarantee the individual and collective rights of peoples, and to promote integral and sustainable development; and a meeting in Panama in November 1997 of representatives of indigenous organizations in 15 American countries had denounced the Human Genome Diversity Project as an act of aggression against the indigenous peoples.

7. Ms. ROBERTS (Lutheran World Confederation) said that the report of the open-ended inter-sessional working group (E/CN.4/1998/106) made frustrating reading: indigenous communities could at least note that some progress had been made through the adoption by consensus of two articles of the draft declaration, but the long-drawn-out and minutely detailed negotiations imposed a considerable burden on their limited resources.

8. While no one doubted the commitment and sincerity of all participants, a sense of urgency was required if the task were to be quickly completed. There had been widespread rejoicing when the Universal Declaration had been signed 50 years previously, but a declaration on the rights of indigenous peoples was also to be seen as an international instrument of major importance: for, without the protection it would afford, the land and identity of those peoples, and indeed their very survival would continue to be under threat.

9. Mr. CONDORI (North-South XXI) said that the indigenous peoples recognized the valuable contribution made by the Commission and other United Nations bodies, to encouraging States to improve their legal situation. ILO Convention 169, for example, was reflected in the new Bolivian Constitution, which recognized the social, economical and cultural rights of indigenous peoples, as did the legislation of a number of other States. Unfortunately, in most cases practice fell short of the letter of the law.

10. In recent years, indigenous peoples had made increasing use of new technology, including the establishment of information networks on the Internet, which had made it possible to draw public attention to repeated violations of the rights established in the ILO Convention. Among those violations were militarization of indigenous territory in Chiapas in Mexico and the exploitation of hydrocarbons and other natural resources to the detriment of the environment in Venezuela, Brazil, Peru, Guyana and Ecuador, and the threat to the survival of local indigenous people of mega-construction

projects in Chile and Argentina. Mention should also be made of the desertification of their lands by despoliation of their water resources suffered by the Aymara nation on the frontiers of Bolivia, Chile and Peru, and the contamination of Lake Titicaca and associated rivers.

11. It was, therefore, a matter of urgency to establish a permanent forum for indigenous peoples, and his organization entirely shared the views expressed in the concise indigenous perspective submitted by the Grand Council of the Crees (E/CN.4/1998/11/Add.1), and supported the continuation of the working group's important work on behalf of the indigenous peoples.

12. Mr. OPOČENSKY (World Alliance of Reformed Churches) said that, in spite of the hopes raised by the International Decade of the World's Indigenous Peoples and the Vienna Conference on Human Rights, little progress had been made in recognizing the rights of the indigenous as distinct peoples and their situation was deteriorating in many cases. Indigenous peoples greatly appreciated the support given by their friends and allies, but their hopes would be fulfilled only when all the Member States accepted the legitimacy of their claims.

13. Ms. GRAF (International League for the Rights and Liberation of Peoples) said it was essential that all indigenous peoples should be given the right freely to decide about all aspects of their lives. Her organization welcomed the important work being undertaken on those issues by the High Commissioner for Human Rights and agreed that she should be able to visit countries and territories where there was a particular problem, such as land tenancy, and drew attention to its communication (E/CN.4/1998/NGO/25) on that issue in Chiapas. Her organization also wished to express its full support for the establishment of an open-ended ad hoc group on the establishment of a permanent forum for indigenous peoples in the United Nations system.

14. Mr. KNIGHT (International Peace Bureau) said he wondered why the Lakota nation, which honoured the treaties of 1868 and all the treaties since 1492, was not accorded a seat on the Commission on Human Rights on the same basis as other sovereign nations. The uranium mining which threatened to contaminate the Oglala aquifers, and the mines in the Black Hills of South Dakota were the ultimate human rights violation since they spelt disfigurement and death for vegetation, animals and human beings. The cloud of pollution created by "economic development" and the greed of multinational corporations, that hung heavily over mother earth must be dispelled so that human beings could stand in the Light of Truth.

15. Ms. SPALDING (World Federation for Mental Health) said that as much weight needed to be given to the protection of natural sacred spaces as to man-made sacred places, such as monasteries, temples and mosques. The land on which many indigenous peoples lived was delicately intertwined with the mental health of their community, as was illustrated by the combined efforts of the Dineh and Hopi tribes to protect the land at Big Mountain, which was sacred to them both.

16. The separation of peoples from the land sacred to them was in contravention of the spirit of the Universal Declaration, as expressed in article 18. She welcomed the visit by the Special Rapporteur on freedom of

religion to Big Mountain, which had led to a request by the local people for a similar visit by the Special Rapporteur on displaced persons. Any forced relocation of individuals or peoples must be viewed in the context not only of international law but also of the mental health of those concerned.

17. Ms. TAHARA (Worldwide Fund for Nature) said that the value of contributions of Member States to the Voluntary Fund for the International Decade of the World's Indigenous Peoples would be enhanced if meetings could be held with the holders of indigenous fellowships, of whom she had been one, to enable them to report on what was being achieved and make suggestions for the future. The Office of the High Commissioner for Human Rights should also be more fully involved and should collaborate more fully with other United Nations agencies and NGOs. She was convinced that, in that way the fellowship programme would be able to make an even more effective contribution to the International Decade.

18. Ms. MAZA (Service for Peace and Justice in Latin America) said that her organization, in close cooperation with the National Network of Civil Human Rights Organizations of Mexico, was greatly concerned about the situation of indigenous peoples, who, in many countries, were living in conditions of unacceptable poverty. The situation of some 15 million people in Mexico, for example, had been described by the Committee the Elimination of Racial Discrimination as an example of racial discrimination that had found its reflection in social and economic indicators.

19. Collective ownership of the land, which was closely bound up with indigenous cultures, had been called into question by the changes to article 27 of the Mexican Constitution, as the Committee had pointed out. In spite of the pacifist language used by the Federal Government, indigenous peoples had been harassed by the presence of military units, and the activities of paramilitary groups supported by governmental agencies were persisting and had, culminated in the Acteal massacre. The concerns of the Committee and the provisions of ILO Convention No. 169, which had been ratified by the Mexican Government, were in keeping with the indigenous demands.

20. The refusal of the Federal Government to accept the constitutional reform proposed by the Concord and Pacification Commission was not only contrary to the agreements previously reached but violated the spirit of the Dialogue of Peace and opened up the possibility of armed confrontation. The dismemberment of the country feared by the Mexican Government was more likely to be the consequence of such conflict than of guaranteeing some of the rights of the indigenous peoples, a measure which would strengthen democracy and national unity.

21. Mr. ARAUJO (Cape Verde) said that migrant workers, especially from Africa, were victims of growing discrimination and xenophobia, exacerbated in recent years by politically extremist campaigns. Of particular concern was the situation of women migrant workers, who were also victimized as women, and exposed to violence and trafficking. Positive steps had indeed been taken by some receiving countries, but much remained to be done.

22. His own country was one of only nine that had agreed to be bound by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It welcomed the recently launched Global Campaign to promote ratification, and had joined Mexico in sponsoring a draft resolution on the subject which would be presented to the Commission at its current session.

23. Ms. ANDERSON (Ireland) said that the right to manifest religious belief in teaching, practice, worship or observance, affirmed in the Universal Declaration and specified in the International Covenant on Civil and Political Rights as a right from which no derogation might be made, continued to be violated in many regions of the world.

24. While she agreed with the Special Rapporteur that religious intolerance was not the monopoly of any particular State or community, the spectrum from imperfection to gross violation was a wide one. In the most severe cases, members of minority religions had been subjected to torture and summary execution, which threatened the very existence of some religious communities.

25. Particularly vulnerable groups included the Baha'i community, especially in the Islamic Republic of Iran, and the Tibetans, whose ethnic, cultural and religious identity had been persistently undermined. A notorious example of the appeal to religious considerations to justify violations of women's rights was the actions of the Taliban in Afghanistan.

26. In such areas, cooperation with the Special Rapporteur was vital and should be recognized wherever it had occurred. She, therefore, welcomed the cooperation received by the Special Rapporteur in Sudan and Saudi Arabia, as mentioned in paragraph 103 of his report. On the negative side was the failure of a number of countries, in particular Turkey and Vietnam, to answer requests for visits.

27. The Special Rapporteur's comments on his visits to Australia and Germany were generally positive although, in the former country some issues relating to the treatment of minorities called for further attention, and, in the latter, areas where progress was necessary included the granting to Muslims of the status of legal person in public law. It was regrettable that analysis of the replies to the questionnaire on the role of education in preventing intolerance had been delayed by lack of resources.

28. Her delegation recognized the major contribution of NGOs to the promotion of tolerance and strongly encouraged them in their work. It intended to introduce a draft resolution on the elimination of all forms of intolerance based on religion or belief which, it hoped, would be adopted by consensus.

29. Ms. UBEDA (Observer for Costa Rica) said that more than 11 per cent of her country's population consisted of illegal immigrants. The new reality of Central American migration was not openly discussed in the international forums. Such migrants were not refugees in the sense laid down by the 1951 Convention and the Cartagena and San José Declarations (1984-1994), and no

term was available in the ambit of international protection for those whose migration was caused by stark necessity and the right to life and human dignity.

30. Costa Rica had sheltered thousands of refugees from the Central American region during the war period of the 1970s and 1980s, 90 per cent of whom had become permanent residents, while others had acquired Costa Rican citizenship. At that time, Costa Rica had been supported by the aid of international bodies and the solidarity of a number of States. In the current new situation, what was required was cooperation for development as a means of eliminating the asymmetries of migratory flows. The policies of the Governments of the region should be directed to finding ways and means of ensuring that intraregional migration was orderly and sustainable.

31. In that context, her Government was preparing a new migration policy in line with the National Development Strategy, respecting human rights and in fulfilment of international agreements. Under the new policy, the rights of migrant workers would be strengthened and brought into line with those of Costa Rican nationals since it was convinced that migration was and had been a positive factor in the development of many peoples. Moreover, migration did not take place only to developed countries; as the example of Costa Rica and of various African countries revealed.

32. A clear distinction had to be made between illegal immigration and trafficking in persons, which must be penalized by coordinated action by the Governments of the region. Costa Rica had entered into a number of cooperative arrangements with, for example, Nicaragua, Panama, Belize and the United States in the Regional Conference on Migration, and with the Central American Migration Organization acting in collaboration with the International Organization for Migration (IOM). Her Government would also welcome greater participation by the Office of the United Nations High Commissioner for Refugees, particularly with regard to protection against forced migration flows.

33. Her delegation would support the draft resolutions on violence against migrant women workers, on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and on migrants and human rights. It also supported the right to asylum and the right to refuge.

34. Mr. Gallegos Chiriboga (Ecuador), Vice-Chairman, took the Chair.

35. Mr. GARCIA (International Indian Treaty Council) said that his organization had correctly predicted that the North American Free Trade Agreement would greatly exacerbate the problems of indigenous migrant workers unless the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families came into full effect. His organization had also drawn the attention of the working group on the human rights of migrants to the consequences of drawing the border between the United States and Mexico in 1848 in such a way that it bisected the lands of four indigenous nations.

36. Mr. WATCHMAN (International Indian Treaty Council) expressed his organization's sincere appreciation of the recent visit to the United States by the Special Rapporteur on religious intolerance. The Special Rapporteur had heard testimony from indigenous peoples, religious leaders and government officials on manifestations of religious intolerance and violations of the right to freedom of religion, particularly resulting from forced relocation, land appropriations, the destruction and desecration of sacred sites and other discriminatory practices. The Dineh people, who were opposing forced relocation, demanded that the Special Rapporteur should continue to investigate the crisis situation at Big Mountain and on other native lands. He also wished to express his organization's appreciation to the Sub-Commission on Prevention of Discrimination and Protection of Minorities for its resolution recognizing the link between sacred sites and the right to practice traditional religion.

37. Mr. OZDEN (Centre Europe - Tiers Monde) said that, without mentioning names, he wished to cite four cases, the files concerning which he would place in the hands of the Chairman, to illustrate the intolerable situation of some employees of diplomatic missions in Geneva and of the domestic employees of several diplomats and international officials. The first case concerned the citizen of an Asian country employed as a domestic servant by a councillor of the mission of that country to the World Trade Organization (WTO), who had received no wages for almost two and a half years apart from the equivalent of some 2,500 Swiss francs paid directly to his father at home. The servant had received only a little food for working days beginning at 6 a.m. and finishing at 2 a.m. the following morning, had been given no holidays and was forbidden to leave the residence. The second case was of three employees of an Asian mission all of whom had been shamefully underpaid, and one, a cook, illegally confined while the other two had been subjected to harassment. The third case was of the African woman servant of a female United States official of the ILO, who was paid a bare 300 francs a month; the fourth was another woman servant of an international official who had been scarcely better treated.

38. All four cases had been taken to court, judgement given in favour of the employees, and the employers sentenced to pay arrears and compensation of between 20,000 and nearly 100,000 Swiss francs. Some of the rulings went back almost five years, the most recent to over six months, but apart from the payment of a bare third of the required amount in one case and 200 francs in another, none of the rulings had been executed.

39. His organization had several times raised the matter in the Commission, but with little effect. He therefore appealed to the Chairman to intervene personally to ensure that diplomats and officials found guilty of such violations were prevented from participating in the work of the Commission or its subsidiary bodies. He also appealed to States and international organizations to bring pressure to bear on their officials and employees to respect the Universal Declaration and labour legislation, and to all States Members of the Commission to submit a draft resolution to put an end to a situation that reflected upon the Commission's reputation. Diplomatic immunity must not be equated with impunity.

40. Mr. TARAN (World Council of Churches), speaking also on behalf of the Conference of European Churches, the Lutheran World Federation, and the World

Alliance of Reformed Churches, said that migrants were frequently made scapegoats for all manner of social problems particularly unemployment, crime, drugs and terrorism. The church organizations, therefore, welcomed recent signs that the international community was taking the problem of migrants seriously, as witnessed by the establishment by the Commission of the intergovernmental working group, on the human rights of migrants, the church organizations had offered to place their considerable experience at the disposal of the working group which, they hoped, would ensure human rights protection for the many uprooted people not protected by other mechanisms.

41. The organizations he was representing welcomed the news that concerned NGOs and international organizations had combined to launch the Global Campaign to make the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families operational.

42. On the other hand, the worldwide trend to rising violence against migrants was deeply disturbing. The widespread use of the term "illegal migrant" was a manifestation of the dehumanization and criminalization of migrants. The commitment by the General Assembly to convene a world conference on racism, racial discrimination, xenophobia and related intolerance was thus timely indeed. The organizations he was representing urged all the parties concerned to support the Global Campaign, and an extension of the mandate of the working group, and to call on States and intergovernmental bodies to desist from the use of dehumanizing terms in legislation and public discourse.

43. Mr. FRANCO (Human Rights Advocates) said that among the many and growing problems of protecting migrant workers, the abuses resulting from the intensified use of border patrols and trafficking in women and children, often resulting in their exploitation in illegal brothels and sweatshops, called for special attention. His organization actively supported, therefore, the continued efforts of the working group of intergovernmental experts, whose mandate should be extended by at least two years. It supported the Global Campaign to promote the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and considered that the working group should use the definitions and standards elaborated therein. The Working Group should also be given a broader mandate to examine violations of migrants' rights, particularly those of women and children, and be authorized to cooperate fully with other groups and rapporteurs working on similar issues.

44. For its part, the Commission should urge States to enforce anti-trafficking laws by prosecuting traffickers and to treat trafficked persons as victims and not as perpetrators. All States parties to the Convention on the Elimination of All Forms of Racial Discrimination should withdraw their reservations to article 4 prohibiting incitement to racial discrimination.

45. Ms. MOYA (American Association of Jurists) said that the facts of history must be respected; not distorted and misused to distract attention from the true situation of people of African origin in the Americas, and even

to justify their marginalization. Forcibly uprooted from their countries of origin, Afro-Americans had been subjected to centuries of slavery, which had not ceased with the achievement of independence by the American countries.

46. In spite of constitutional recognition of the existence of multicultural and multi-ethnic States, they were still denied the right to be different, to be respected in their dignity, and to achieve well-being through access to equal opportunities. On the contrary, their lands and way of life were under increasing threat by the mega-projects of national and transnational enterprises.

47. Her organization called upon the Commission to keep vigilant watch over the right of all human beings to develop on their own lines and maintain their identity, and to protect them against the abuse of new technologies. The Commission should undertake an in-depth study of the situation of people of African origin in all the countries of the Americas, and promote new bonds of solidarity between them, enabling them to improve their situation, and at least begin to repair the damage done by 500 years of discrimination.

48. Mr. MOLT (Pax Romana) recalled that, since 1993, his organization had repeatedly drawn the attention of the international community to the systematic violation of human rights by the Government of the Socialist Republic of Viet Nam in its actions against the Hoà Hao Buddhist Church, a religious minority of some 4 million members living in the region of the Mekong delta. The Vietnamese Communist party had ordered the assassination of the founder of the Church, was closing all its administrative offices, confiscating its property, imprisoning without trial and torturing a number of its leaders, subjecting its members to police surveillance, forbidding religious ceremonies and preventing the dissemination of its holy books. Those responsible for such massive and blatant violations of human rights should be brought to justice before an ad hoc international criminal court.

49. Mr. Selebi (South Africa) resumed the Chair.

50. Ms. PARKER (International Educational Development) said that her organization shared the astonishment of the Human Rights Committee at the assertion by the Government of Senegal (CCPR/C/79/Add.82) that there were no minorities in that country. In its 1998 report "Armed Conflict in the World Today: A Country-by-Country Review", it had drawn attention to the renewed tensions between the Senegalese Government and the Diola people of the Casamance region, which had resulted in fighting, involving the use of landmines, during which at least 400 people had been killed. The international community and the Government of Senegal should take urgent action to resolve the dispute with the Diola people in order to avert the threat of civil war. The same report also drew attention to the conflict between the ethnic Uighur people and Chinese forces in Xinjiang province, which had resulted in more than 1,000 Uighurs being executed and 10,000 arrested since 1996.

51. Her organization was also concerned about several other situations that threatened human rights. Since the reunification of Hong Kong with China, freedom of assembly and speech had been curtailed and elections delayed in the Special Administrative Region. In Latvia, there was discrimination against

residents of Russian descent, who had become virtually stateless. In particular, the denial of citizenship to children born in Latvia of Russian parents was a violation of the Convention on the Rights of the Child.

52. In Sri Lanka, an example of religious intolerance destructive of cultural and social cohesion was the bombing and destruction of Tamil Catholic and Protestant churches and Hindu temples, which had been targeted by the Sri Lankan Government in order to demoralize the Tamil people. Her organization was dismayed to note that such atrocities had been constantly ignored over the years by the international community, and she called upon the members of the Commission to condemn all such acts of cultural destruction in the strongest terms.

53. Ms. STOTHARD (Aliran Kesedaran Negara - National Consciousness Movement) said that, while some Governments had responded positively to the concerns raised by the Special Rapporteur, others persisted in denying the existence of religious intolerance. Her organization noted with growing alarm that religion was being widely used as an excuse for perpetrating human rights violations, and that, in some countries notorious for their human rights abuses, religious minorities were targeted for especially harsh abuse and harassment. In Myanmar the military regime was persecuting Muslims and Christians in some areas and compelling them to do extra days of forced labour. Religious facilities had been closed down or destroyed and ceremonies prohibited or tightly controlled. On the other hand, converts to Buddhism were exempt from such labour and eligible to receive additional food. Buddhist clergy had, however, in a number of recent cases been subjected to harassment and threats of imprisonment. She called upon all States Members of the Commission to renew their efforts to eliminate all such forms of intolerance and discrimination.

54. Mr. VERFAILLIE (International Association for the Defence of Religious Liberty) said that his organization welcomed the constitutional guarantees to freedom of religion and conscience currently provided in a considerable number of modern democratic States, and the adhesion of most of the Member States of the United Nations to human rights instruments. It congratulated the Commission on its constructive work in that field, and expressed its appreciation of the contributions by the successive Special Rapporteurs on religious intolerance.

55. It very much regretted, however, that there continued to be States that made no attempt to take legislative or other steps to combat such discrimination. Even in States such as the Russian Federation where laws had been passed guaranteeing religious freedom, there was often a gap between such guarantees and local administrative practices. In Pakistan, a blasphemy law had, since 1986, been included in the Penal Code (sections 255-B and C), under which a number of Christians and other non-Muslims had been prosecuted. Mention must also be made of the situation of Evangelical Christians in India, and the numerous cases of imprisonment on grounds of conscience in Bhutan, as well as the situation of the Baha'is in the Islamic Republic of Iran.

56. The cases of religious communities whose basic liberty was threatened, mentioned by the Special Rapporteur in his report (E/CN.4/1998/6), confirmed the manifest need for States not only to adopt constitutional guarantees of

religious freedom but also to repeal legal provisions violating human rights and fomenting intolerance. The recent religious revival, sometimes accompanied by manifestations of extremism, could tempt Governments to place restrictions upon churches and religious communities. The resulting intolerance of religious minorities, sometimes exacerbated by the media, created situations that justified the Special Rapporteur's request for additional resources to enable him to carry out his mandate.

57. Mr. GRAVES (African Commission of Health and Human Rights Promoters) said that his organization welcomed the efforts by the Special Rapporteur on religious intolerance to document the numerous human rights violations against Shi'a religious leaders and believers in Iraq. He noted that, in its replies to the Special Rapporteur, Iraq had stated that it was pursuing a policy directed to achieving the effective and objective realization of public freedoms and human rights (E/CN.4/1998/6, para. 79), had denied allegations of attacks on pilgrims to Kerbala, and asserted that there was no restriction on visits to holy places.

58. The reference was to an attack by Iraqi Republican Guard forces on 24-25 June 1997 on pilgrims that had resulted in the death of several score people and the arrest of more than 10,000.

59. Between 20 November and 2 December 1997, 1,200 members of the Iraqi opposition had been executed in the Abograib prison in Baghdad. He drew attention to the expression of concern by the Human Rights Committee (CCPR/C/79/Add.84), which referred in particular to discrimination against the Shi'ite population in southern Iraq. His delegation thus urged the Commission to include in its resolution on Iraq a paragraph clearly expressing concern for the protection of the religious rights of the Arab Shi'a people and other groups and to condemn the massive oppression of Shi'a pilgrims travelling to Kerbala in June 1997.

60. Ms. ROBERTS (Lutheran World Federation), speaking also on behalf of the World Council of Churches, the World Alliance of Reformed Churches, and the Conference of European Churches, said that, since the end of the cold war, religious and intellectual freedom had received a setback. Previous understandings of the relationship between religion and the State had been overturned and unresolved historical tensions had resurfaced. Regressive nationalism and religious and ethnic conflicts had become incendiary and churches and religious organizations were even being mobilized to maintain or secure political influence.

61. In that situation, it was essential that the churches should fulfil the responsibilities arising from their Christian faith, in particular the obligation to serve the entire community by promoting the cause of justice, human rights and peace for all. In seeking to put an end to intolerance and discrimination based on religion or belief, the churches must act with humility and repentance. They had openly confessed their own history of intolerance and discrimination but must also stand against and condemn repression and discrimination practised by Governments.

62. The organizations she was representing greatly appreciated the work being done by the Special Rapporteur, particularly his emphasis on engagement

and dialogue. Their experience had shown that intolerance and discrimination could be overcome only by building a culture of tolerance, non-violence and justice, and not through denunciation but through a positive and constructive approach based on dialogue.

63. Mr. BENCHEIKH (Association for World Education) said that contemporary forms of intolerance increasingly emanated from non-State pressure groups. Muslims, for example, suffered in the West from an Islamophobia that was more popular than administrative in nature, and in the East from terrorism inspired by juridically unidentifiable groups.

64. Throughout the 1950s and 1960s, the majority of Islamic countries had opted for political modernity, which was not, however, sanctioned by any parallel theological reformation - with the consequence that people were left in a state of dangerous discord between their status as citizens and as believers. The resurgence of Islam in those societies had thus created a crisis of international dimensions. The theology formulated at a time of tribal and patriarchal societies that no longer existed had never been updated. Unfortunately, the transition from the age-old system to a new world could not be effected in a single day or without upheaval and distress.

65. Many groups clung to a Muslim law, that was obsolete but sanctified by time and usage and endeavoured to impose it by every means, including the cruelest violence. In Algeria, for example, such groups declared that the current forms of government were the fruit of disbelief, that those accepting them were renegades and that renegades deserved to die. They were attempting not to indoctrinate the Algerian people but to exterminate them, women and children included.

66. He fully agreed, therefore, with the Special Rapporteur that it was a matter of urgency to develop a culture of tolerance, and to that end it was necessary that Muslim theologians and thinkers should break their shameful silence and appeal for a reform of their theology and a rereading of the Koran with minds open to the concerns and aspirations of contemporary humankind. Islam must rediscover its true original nature, which was that of a message proposed, not an order imposed.

67. Mr. STÜSSI (Christian Solidarity International) said that his organization welcomed the major progress in religious liberty made during the past decade, most strikingly in the countries that had cast off a repressive State system explicitly committed to the demise of all religion. The international community must not, however, forget that more than 1 billion people still lived under the sway of that system. In China, religious believers were still subjected to State persecution, two symbols of which were the exiled Dali Lama and Zhu Zhemin, the imprisoned Catholic bishop. In spite of the great progress made in Latin America some problems remained, particularly the religious repression in Chiapas, Mexico, and the attempted murder of a Mexican Catholic bishop.

68. His organization was especially concerned about the systematic and brutal religious discrimination in countries where the totalitarian ideology of jihad was a powerful factor, some manifestations of which were forced conversions, the existence of the second-class legal status of *dhimmitude*, and

the third-class status of infidel, the imprisonment and social marginalization of dissenting Muslims, the capital penalty for conversion from Islam, and the destruction of dissenting mosques and Christian churches and schools - activities particularly blatant in Sudan, but also occurring in other Islamic States, particularly Algeria, and even Egypt.

69. His organization had also been saddened to observe increasing signs of religious intolerance at meetings of the Commission and Sub-Commission, for example, the attempt made to intimidate the Special Rapporteur on the situation of human rights in Sudan and the Special Rapporteur on racism. He hoped that the Commission would make every effort to strengthen existing international instruments and monitoring mechanisms as safeguards against religious intolerance and discrimination for the benefit of all people, regardless of race or religion.

The meeting rose at 8.10 p.m.